REMARKS

Claims 1, 2, 6-11, and 13-17 are pending in the application, with claims 1 and 11 being independent claims. The prior rejections of the claims have been withdrawn.

Claim 1-2, 6-11, and 13-17 now stand rejected under 35 U.S.C. §103(a) as unpatentable over Dietz '042 in view of Marino '797, as set forth in section 5 of the Office Action. Applicant respectfully submits that the claims as amended and presented herein patentably define over the new combination of references, as discussed in detail below.

A significant advantage of the present invention over the prior art is the fact that the hand-held game devices (EVM) can be standardized. Paragraph 0039 of the published application states:

> Due to the fact that this embodiment of the system permits standardized EVM hardware and software manufacturing, all EVM devices 200 can be substantially identical, with the differences in games and play determined by the instant ticket 202. As a result, this embodiment has the advantages of: eliminating the logistical complexity of handling seeded EVMs; reducing the cost of the EVM 200 or electronic cards; and changing the economics of electronic card sales in that one EVM 200 can play several different types of games actuated by multiple different instant tickets 202 thereby in certain applications allowing the EVM 202 to be sold at low cost or even given away.

Thus, many advantages are obtained by standardizing the EVMs with the same hardware and software configurations. The devices can be manufactured at low cost, and can even be given away. The EVMs can play different types of games based solely on the information provided by the electronic signatures/circuits contained on the game tickets. The devices are not downloaded with results particular to any game or game ticket. Independent claims 1 and 11 are amended herein to more patentably define these unique features.

In particular, the game apparatus of independent claim 1 as amended herein calls for the game device to be standardized. The game card includes game information required by the lottery game programmed in the game device computer in order to initiate and complete a single play of the lottery game represented by the game card. This game information includes the type of game to be played and the outcome of the game, including the prize award for the single lottery game play. The game information is contained in printed conductive elements on the game card and the game device has a standardized, hard-wired configuration that responds to various patterns of the printed conductive elements so as to conduct the particular lottery game that is contained on the game card, including the outcome and prize award for the game. The game device relies solely on the configuration of the printed conductive elements on the card and does not rely on retrieval of other game information that is particular to that game card. In other words, the game device does not include a library of game results that are unique to particular game cards, whereby the game device would have to associate a validation code or other identification number with a stored game result. Amended claim 1 further sets forth that the outcome of the game is predetermined solely by the information on the game card and is not stored in or downloaded to the game device.

Thus, it should be appreciated that the game device is a standardized hand-held computing device that contains instructions for play of different types of lottery games. However, the game device need not be periodically downloaded with updates or store the results, including the prize award, for any particular lottery game that may be represented by one of the game tickets. The game device is hardwired to respond to

particular configurations of circuit elements on the tickets, with the unique patterns or variations of circuit elements providing all of the information that is needed by the game device in order to play the game and indicate to the player whether or not the ticket is a winning play, as well as the prize award for such play.

The system of independent claim 1 similarly amended and reflects the distinctions set forth above with respect to independent claim 1.

Respectfully, even if one skilled in the art were to "shrink" the game validator 30 of Dietz '042 in view of any other reference of record, the resulting game device is still not in accordance with independent claims 1 and 11.

Dietz '042 describes that that validator 30 may act alone or in conjunction with a host computer 100. When the validator 30 acts with a host computer 100, various information necessary for game play is downloaded to the validator 30 from the computer 100. This information is unique to the particular validation code contained on a game ticket. Similarly, if the validator 30 "acts alone", then the corresponding game play information with respect to individual validation codes contained on different tickets must be periodically loaded into a validator RAM 94 in order to allow the computer 90 to perform validation checks and conduct the game.

Thus, it should be appreciated that, regardless of the size of the validator machine 30, the machine 30 must always be either downloaded with game information relevant to respective individual validation codes, or in communication with a host computer that supplies the particular game information related to a validation code in order to conduct the lottery games. Dietz '042 does not describe or suggest any embodiment wherein the validator 30 simply reacts to a configuration of printed circuit

elements on a game card in order to conduct the game in its entirety, including displaying to the player whether or not the game is a winner and the prize amount. In the configuration of Dietz '042, the game card supplies the validator with a validation code that is unique to a particular ticket. The machine 30 then must retrieve the game information related to that particular validation code. This system requires an ongoing and periodically updated library of validation codes within a memory in the machine 30, or communication of the machine 30 with a host computer. Respectfully, the unique advantages of the present invention as set forth in amended claims 1 and 11 are not possible with the system and configuration of Dietz '042.

In the secondary reference Marino '797 cited by the Examiner as teaching a hand-held multi-function lottery device, applicants have carefully considered this reference, and it is unrelated to the type of hand-held device set forth in independent claims 1 and 11, and provides no suggestion, motivation, or other reason to reconfigure the device of Dietz '042 in accordance with the present claims.

Accordingly, applicant respectfully submits that independent claim 1 patentably distinguishes over the cited combination of references, and is allowable. Claims 2, and 6-10 only further patentably define the unique combination of elements set forth in claim 1, and are thus also allowable. Likewise, the apparatus of claim 11 patentably distinguishes over the cited combination of references for the reasons set forth above. Claims 13-17 only further patentably define the unique combinations of claim 11 and are thus also allowable.

With the present Amendment, applicant respectfully submits that all pending claims are allowable and that the application is in condition for allowance. Favorable

action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at his convenience should he have any questions regarding this matter or require any additional information. Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,

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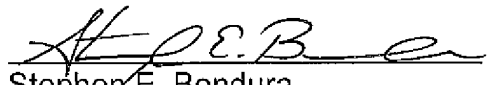
By: 

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